HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 13416 OF 1999

Between:

T. Jaffer Sadak & others

.....
Petitioners

AND

The A.P. Transco
Rep. By its Additional Secretary,
Hyderabad & another

.....Respondents

:: O R D E R ::

Counsel for the petitioners : Shri M. Viswanadham

Counsel for the respondents : Shri Samineni Kishore

Dated: 26.12.2006

In this petition, the petitioners have prayed for quashing the decision of the Superintending Engineer, A.P. Transco (APSEB), Anantapur (respondent No.2) to treat them ineligible for appointment and for issue of a mandamus to the respondents to appoint them as Junior Linemen or other suitable post against the existing vacancies in accordance with the policy contained in B.P.Ms.No.36 dated 18.05.1987 issued by the erstwhile Andhra Pradesh State Electricity Board (for short 'the Board').

In the affidavit filed by Shri T. Jaffer Sadak – petitioner No.1, it has been averred that all the petitioners have worked as casual labourers with the contractors engaged by the Board; that they fulfilled the conditions of eligibility specified in B.P.Ms.No.36 dated 18.05.1997; that they were interviewed by the selection committee, but their candidature were rejected on the spacious ground that the certificates produced by them have not been countersigned by the officers of the Board and they were not on the rolls of the contractor on 18.05.1997.

In the counter-affidavit filed by Shri B.S. Ramachandra Rao, Assistant Secretary (legal) of respondent No.1 Corporation, it has been averred that the

petitioners were not considered for the post of Junior Lineman because none of them possesses the qualifications prescribed for that post. The deponent has further averred that the certificates produced by the petitioners at the time of interview were not accepted because the same were not genuine. He further averred that the candidature of some of the petitioners were not considered because they were not on the rolls on 18.05.1997.

I have heard learned counsel for the parties and perused the record. It is borne out from the record that in compliance of the directions given by this Court in Writ Petition Nos.29735, 28468 and 28125 of 1997 and 6090 of 1998, the petitioners were interviewed by the committee constituted by respondent No.2 for the purpose of consideration of their claim for appointment in the light of B.P.Ms.No.36 dated 18.05.1997, but their candidature were rejected on the ground that they do not fulfill the conditions of eligibility or they were not on the rolls on 18.05.1997.

Although the rejection of candidature of some of the petitioners on the ground that they were not on the rolls on 18.05.1997 is not legally tenable because this is not one of the conditions of eligibility specified in B.P.Ms.No.36 dated 18.05.1997 and the subsequent B.P.Ms. No. 271 dated 31.12.1997 cannot be invoked in the cases of the

petitioners, it is not possible to grant relief to the petitioners because,

(1) none of them possess the qualifications prescribed for appointment to the post of Junior Lineman vide B.P.Ms.No.1048 dated 23.09.1989 read with memo No. DP/DM-1/A2/762/94-1 dated 23.10.1994. For the sake of convenient reference, contents of both the documents are reproduced below:

"B.P.Ms.No. 1048:

Proceedings:

As per the existing O.S.S. Non-Statutory Rules the following are the qualifications prescribed for the post of Helper.

i) Ability to read and write.

ii) One year practical experience either in O&M/Construction works.

The above qualifications were prescribed in the year 1958 and continued as such till todate. But the time of prescribing the above qualifications there were no qualified candidates. But, in view of the above circumstances, several persons with academic qualifications and technical qualifications are available now. It is therefore considered desirable to prescribe higher qualifications for direct recruitment of Helpers.

The A.P. State Electricity Board after careful consideration prescribes the following qualifications for the post of Helpers.

i) A pass in SSLC/SSC/10th class;

ii) A pass in ITI preferably with Electrician Trade or

iii) Vocational course in Electrical trade.

These orders will come into effect from the date of issue."

" REDESIGNATIONS & CHANGE OF NOMENCLATURE

ANDHRA PRADESH STATE ELECTRICITY BOARD VIDYUTSOUDHA:: HYDERABAD -49

Memo No.DP/DM-1/A2/762/94-1: Dated: 23.10.1994

Sub: Establishment –APSEB – O&M/Const. Estt. change of Designation of Helper as Jr. Lineman and Jr. Plant Attendant – Orders – Issued.

The issue regarding redesignation of Helper is under consideration of the Board since long back.

2.After careful consideration the APSE Board directs that posts of 'Helper' in O&M/Construction establishment shall be redesignated as indicated below:

i) 'Junior Lineman' – in Operation circles/TLC/Construction circles etc;

ii) 'Junior Plant Attendent' – in Generating Stations/Projects.

3. However there shall be no change in functions and duties, service conditions etc; and these orders are only mere redesignation of the posts.

4. These orders shall come into force with immediate effect."

A conjoint reading of the above reproduced conditions shows that the post of Helper has been

redesignated as Junior Lineman/Junior Plant Attendant and the minimum qualifications prescribed for that post are pass in SSLC/SSC/10th class and ITI preferably with Electrician trade or vocational course in electrical trade. It is neither the pleaded case of the petitioners nor any document has been produced on the record of the writ petition that either of them possesses the qualifications laid down by the Board for the recruitment of Junior Lineman. Therefore, a writ of mandamus cannot be issued to the respondents to consider the candidature of the petitioners, and

2) the certificates produced by the petitioners were rightly not entertained by the selecting authority because, the same neither bear the date of issue nor countersigned by any officer of the Board. Even the total period during which the individual petitioner worked with the contractor has not been specified in any of the certificates. It can thus be said that the certificates produced by the petitioners sans credibility and the same cannot be made basis for entertaining their claim for being appointed as Junior Lineman.

For the reasons mentioned above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No. 16411 of 1999 filed by the petitioners for interim relief is also

dismissed.

G.S.SINGHVI, CJ

26.12.2006
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